

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for FURTHER
JURY TRIAL commencing at 9:45 a.m. on Monday, April
21, 2003, Honolulu, Hawaii,

BEFORE: HONORABLE SAMUEL P. KING
United States District Judge
District of Hawaii

REPORTED BY: LISA J. GROULX, COURT REPORTER
Notary Public, State of Hawaii

1 the bank's duty, under the law, to do the
2 investigation when they got the notice from Credit
3 Bureau of the Pacific.

4 Now we know that, again, if we look at that
5 letter, this is the -- don't know why that's
6 highlighted, but this is the letter back. So I think
7 that either they -- I think that establishes the third
8 element. And then the fourth element is that the
9 defendants were either negligent or willful when they
10 failed to investigate or reinvestigate the dispute.

11 Well, we look at the jury instructions here
12 again, number 20, and it says that the duty is to
13 conduct an investigation with respect to the disputed
14 information and to review all relevant information
15 provided by the Consumer Reporting Agency. And, in
16 this case, there is no allegation, there is no
17 evidence that I can recall, of there being any
18 mistake, any accident. This isn't a situation where
19 somebody -- where Ms. Deaton just sort of fell through
20 the cracks. I don't think there's any negligence on
21 the part of the bank.

22 The evidence, I feel, establishes that it was
23 willful. They decided they would add on these
24 requirements to the law as they testified. Apparently
25 that was deliberate. It was intentional. It was by